



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-93,895-01

EX PARTE BENITO CAVAZOS VALVERDE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2012CR3980-W1 IN THE 290TH DISTRICT COURT
FROM BEXAR COUNTY**

Per curiam.

YEARY, J., not participating.

ORDER

Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07. Under Article 11.07 of the Texas Code of Criminal Procedure, a district clerk is required to forward to this Court, among other things, “the application, any answers filed, any motions filed, transcripts of all depositions and hearings, any affidavits, and any other matters such as official records used by the court in resolving issues of fact.” *Id.* at § 3(d); *see also* TEX. R. APP. P. 73.4(b)(4). The record forwarded to this Court appears, however, to be incomplete.

On October 28, 2022, this Court ordered the district clerk to serve the court reporter with a copy of that order and then either forward to this Court the transcript of the November 17, 2021 evidentiary hearing or certify in writing that the reporter has not transcribed the hearing. The hearing is cited in the writ record on, *inter alia*, pages 190, 206, and 273. The district clerk was ordered to respond within thirty days from the date of the order but the clerk has not responded to this Court's order.

We remand this application to the trial court, which shall ensure that the habeas record is supplemented with the transcript of the November 17, 2021, habeas hearing. *See* TEX. R. APP. P. 73.4(b)(4). Alternatively, the court shall certify in writing that the transcript is not part of the record. The trial court shall respond within thirty days from the date of this order. Any extensions of time must be requested by the trial court and obtained from this Court.

Filed: April 12, 2023
Do not publish